

WEMMH/SB/21 (4/03)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	Unassigned <u>10/677,281</u>
Filing Date	September 26, 2003
First Named Inventor	Thomas L. Sevier et al.
Group Art Unit	3764
Examiner Name	Quang D. Thanh
*Total Number of Pages in this Submission	8
Attorney Docket Number	20232-15

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Daniel J. Lueders, Reg. No. 32,581
Signature	
Date	October 17, 2003

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Doc. No. 242843



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:) Before the Examiner
Thomas L. Sevier et al.) Quang D. Thanh
)
) Group Art Unit
Serial No. New DIVISIONAL) 3764
Application)
)
Filed September 26, 2003) Our Ref.: 20232-15
)
INSTRUMENT FOR DIAGNOSING) October 17, 2003
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Name of Registered Representative

DJP

Signature

October 17, 2003

Date of Signature

INFORMATION DISCLOSURE STATEMENT

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P. O. Box 1450
Alexandria, VA 22313-1450


Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R. §1.56, Applicant wishes to bring to the attention of the Examiner the references listed on the enclosed Information Disclosure Statement. This application is a divisional of Application No. 09/898,623, filed July 3, 2001, which is a divisional of Application No. 08/695,873, filed August 12, 1996, now U.S. Patent No. 6,254,555. These references were previously submitted in the parent applications. Copies of the references cited in the parent applications are not enclosed pursuant to 37 CFR 1.98(d). Additionally, copies of the cited U.S. Patent(s) and U.S. Patent Application(s) have not been enclosed in accordance with the Waiver of 37 CFR 1.98(a)(2)(i) Requirements signed by the Deputy Commissioner for Patent Examination Policy on July 11, 2003 (1276 OG 55, Aug. 5, 2003).

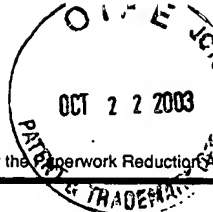
The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to the patentability as defined in §1.56(b).

This Statement is being submitted within three months of the filing date of the application and prior to the mailing of any Office Action on the merits. It is believed that no fee is required for consideration of the submitted item. Should any fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully Submitted,

By: 
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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 5

Complete if Known

Application Number	Unassigned
Filing Date	September 26, 2003
First Named Inventor	Thomas L. Sevier et al.
Group Art Unit	3764
Examiner Name	Quang D. Thanh
Attorney Docket Number	20232-15

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		D 30,230	02-21-1899	Barnet	
		D 155,773	11-01-1949	Becker	
		D 211,549	06-25-1968	Christopher	
		D 237,313	10-21-1975	Harris	
		D 262,908	02-02-1982	Pesco	
		D 263,077	02-16-1982	Stanton	
		D 264,754	06-01-1982	Vitra	
		D 272,090	01-03-1984	Hosid	
		D 285,116	08-12-1986	Hoff	
		D 288,847	03-17-1987	Kaeser	
		D 304,495	11-07-1989	Tyo et al.	
		D 317,204	05-28-1991	Henneseey	
		D 323,035	01-07-1992	Yang	
		D 328,328	07-28-1992	Juarez	
		D 338,964	08-31-1993	Tarjoto	
		D 342,999	01-04-1994	Gonsalves, Jr.	
		D 345,801	04-05-1994	Bosch	
		D 357,322	04-11-1995	Matthews	

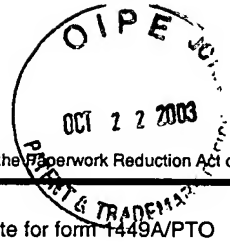
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		FR 002637496 A1	04-1990	Guillot		
		DE 10702	06-1895	Simons		
		DE 848544	09-1952	Schluler		
		DE 909768	04-1954	Jusgen		
		DE 2303544	08-1974	Ludwig		

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>	<i>Complete if Known</i>	
	Application Number	Unassigned
	Filing Date	September 26, 2003
	First Named Inventor	Thomas L. Sevier et al.
	Group Art Unit	3764
	Examiner Name	Quang D. Thanh
Sheet 2 of 5	Attorney Docket Number	20232-15

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		Number-Kind Code ² (if known)			
		D 362,307	09-12-1995	Cirone	
		D 373,197	08-27-1996	Schepper	
		1,373,970	04-05-1921	Peasley	
		1,612,343	12-28-1926	Amussen	
		1,769,872	07-01-1930	Weeks	
		1,987,390	01-08-1935	Davis	
		2,044,112	06-16-1936	Widmann	
		2,219,436	10-29-1940	Anderson	
		2,752,623	07-03-1956	Tupper	
		2,806,470	09-17-1957	Ferrier	
		3,107,665	10-22-1963	Nordgren	
		3,389,418	06-25-1968	Sencabaugh	
		3,557,776	01-26-1971	Boots	
		3,888,241	06-10-1975	Fischer	
		4,378,007	03-29-1983	Kachadourian	
		4,461,285	07-24-1984	Courtin	
		4,483,328	11-20-1984	Wolocko	
		4,590,926	05-27-1986	Courtin	

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
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OCT 22 2003

Doc. No. 242807 WEMMH/SB/08A (4/03)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 3 of 5

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Application Number	Unassigned
Filing Date	September 26, 2003
First Named Inventor	Thomas L. Sevier et al.
Group Art Unit	3764
Examiner Name	Quang D. Thanh
Attorney Docket Number	20232-15

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		4,648,387	03-10-1987	Simmons	
		4,705,030	11-10-1987	Tepperberg	
		4,732,142	03-22-1988	Hurlburt et al.	
		4,993,408	02-19-1991	Schweisfurth	
		5,080,111	01-14-1992	Pallin	
		5,085,207	02-04-1992	Fiore	
		5,103,809	04-14-1992	DeLuca et al.	
		5,231,977	08-03-1993	Graston	
		5,307,816	05-03-1994	Hashimoto et al.	
		5,366,437	11-22-1994	Graston	
		5,441,478	08-15-1995	Graston	
		5,624,385	04-29-1997	Hwang	
		6,077,239	06-20-2000	Lin	

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

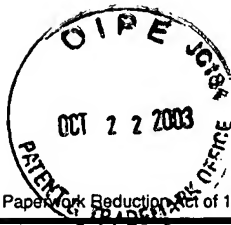
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Doc. No. 242832 WEMMH/SB/08B (4/03)

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Sheet

4

of

5

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Application Number	Unassigned
Filing Date	September 26, 2003
First Named Inventor	Thomas L. Sevier et al.
Group Art Unit	3764
Examiner Name	Quang D. Thanh
Attorney Docket Number	20232-15

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

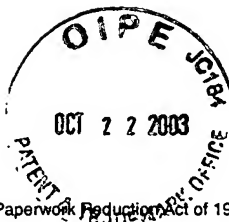
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published	T ²
		Awareness & Health Unlimited, "1995-1996 15 th Year Anniversary Wholesale Catalog," pp. 189, 192-193, 196, 234-235.	
		THE STICK™ Muscle Device Instructional Sheet (date unknown).	
		B. Steward, R. Woodman, & D. Hurlburt, "Fabricating a Splint for Deep Friction Massage," <i>Journal of Orthopaedic and Sports Physical Therapy</i> ; Vol. 21, No. 3, March 1995, pp. 172-175.	
		G. Chamberlain, "Cyriax's Friction Massage: A Review," <i>Journal of Orthopaedic and Sports Physical Therapy</i> ; Vol. 4, No. 1, Summer 1982, pp. 16-22.	
		S. Lachmann, <i>Soft Tissue Injuries in Sport</i> , Blackwell Scientific Publications; 1988, pp. 12-16 & 19-21.	
		J. Cyriax, <i>Textbook of Orthopaedic Medicine</i> ; Volume One, 1982, pp. 14-21.	
		J. Cyriax, <i>Textbook of Orthopaedic Medicine</i> ; Volume Two, 10 th Edition, 1980, pp. 1-37.	
		M. Cunningham, "How to Activate Your Healing Response An Alternative To Medication and Surgery," <i>Acupressure Ancient Wisdom for Modern Day Healing</i> ; 1994, pp. 41-42.	
		J. Travell, M.D., and D. Simons, M.D., <i>Myofascial Pain and Dysfunction The Trigger Point Manual The Upper Extremities</i> ; Vol. 1, 1983, pp. 19-21, 59-61, 87, 88 & 99-102.	
		Advertisement for "Massage Stones," <i>Massage</i> , Issue No. 56, July/August 1995, p. 77.	
		Advertisement for THE KNOBBLE™, <i>Massage</i> ; Issue No. 56, July/August 1995, p. 158.	
		J. Barnes, P.T., "The Myofascial Release Approach, Part II The Mind/Body Connection," <i>Massage</i> ; Issue No. 50, July/August 1994, pp. 58 & 60-64.	
		Z. Kurashova Wine, "Massage for Sports Injuries," <i>Massage</i> ; Issue No. 42, March/April 1993, pp. 26-27.	
		S. Taws, "Alleviating Low Back Pain Through Soft Tissue Release," <i>Massage</i> ; Issue No. 52, Nov/Dec 1994, pp. 30-32.	
		K. Jeffery, "Seashells as Massage Tools," <i>Massage Therapy Journal</i> ; Spring 1993, Vol. 32, No. 2, pp. 72 & 73.	
		J. Horrigan, "Soft Tissue Center Therapy Facility of Tomorrow," <i>Ironman</i> ; June 1990, pp. 115, 116, 118 & 119.	
		S. Levin, "The Maverick of Sports Medicine," <i>Health</i> ; January 1991, pp. 30-32.	

Examiner
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Considered

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		Group Art Unit	3764		
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Sheet	5	of	5	Attorney Docket Number	20232-15

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published	T ²
		W. Prentice, Ph.D, <i>Therapeutic Modalities In Sports Medicine</i> ; 1986, pp. 217-242.	
		B. Brudden, <i>Pain Erasure The Bonnie Prudden Way</i> ; 1980, pp. 3-5, 15-17, 22, 99-101, 124 & 266-268.	
		W. Hammer, DC, <i>Functional Soft Tissue Examination and Treatment by Manual Methods The Extremities</i> ; 1991, pp. 235-249.	
		Z. Kurashova Wine, "Russian Massage," <i>Massage</i> ; Issue No. 33, Sept/Oct 1991, pp. 40-43.	
		R. Nimmo, <i>The Technique</i> ; 1966, pp. 50-55.	
		R. Woodman and L. Pare, "Evaluation and Treatment of Soft Tissue Lesions of the Ankle and Forefoot Using the Cyriax Approach," <i>Physical Therapy</i> , Vol. 62, No. 8, August 1982, pp. 1144-47.	

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